

Attachment B

Project History

Tract 1747 is located northeasterly of the intersection of Thompson Avenue and Chestnut Street in the community of Nipomo (see Attachment "A"). Tract 1747 received tentative tract map approval by the County Planning Commission on October 28, 1999, with the Phase 1 final map recording on June 12, 2001. A tentative tract map time extension was approved by the Board on October 22, 2002, and the second phase final map recorded on June 29, 2004. The recordation of both phases of Tract 1747 created 152 new parcels including 151 residential parcels and one open space parcel, Lot 109.

Tract 1747 was conditioned to construct frontage and project interior improvements to urban street standards; private and public drainage facilities; and utilities to serve each new lot. These improvements were accepted as complete by Public Works on June 1, 2009. Although not required as a project condition of approval, streetlights were also constructed as shown on the approved public improvement plans on file with the Department of Public Works.

During construction the developer entered into an agreement with Pacific Gas and Electric (PG&E) to energize the newly installed streetlights on those streets where residences had been constructed and were occupied. According to PG&E, the developer stopped making their electrical payments on or about December 9, 2009. PG&E contacted Public Works in 2010 to inquire whether the County would assume responsibility for ongoing streetlight operation and the following was determined:

- Tract 1747 was not conditioned to install streetlights. Therefore, the streetlights were considered to be an amenity provided at the discretion and sole expense of the developer.
- Prior to construction of the streetlights and during the public improvement plan check process the developer, their engineer and Public Works were equally amiss in questioning the method to fund the ongoing operation and maintenance costs associated with the proposed streetlights within the subdivision.
- Tract 1747 is not within but does abut the County's Nipomo Lighting District service area boundary on the southerly and westerly subdivision boundaries. Therefore, annexation into the Nipomo Lighting District is required prior to establishing a streetlight assessment district to fund ongoing operation and maintenance of the existing streetlights.
- Tract 1747 is entirely within the Nipomo Community Services District (NCSD), which has currently streetlight authority to establish a zone of benefit for streetlight assessment purposes.

- The developer did not make arrangements with either the County or NCSD to ensure ongoing operation and maintenance of the streetlights. The developer has since gone bankrupt and the majority of parcels created are now under separate private ownership.

A community meeting was organized by Supervisor Teixeira at the NCSD office on July 21, 2011, in response to PG&E's consideration of de-energizing the streetlights. Meeting attendees included the residents and property owners of Tract 1747, county staff (Public Works and Parks), NCSD staff, Local Agency Formation Commission (LAFCO) staff and representatives from PG&E. Options presented to the residents of Tract 1747 at that meeting included:

1. **Do Nothing** – This would result in PG&E de-energizing the streetlights.
2. **Private Administration** –
 - a. The residents could organize a Property Owner's Association to enforce the project Conditions, Covenants & Restrictions (CC&R) which would include ongoing operation and maintenance of the streetlights (and other facilities such as open space and drainage basin maintenance).
 - b. Individual residents could contract with PG&E directly to pay operational costs for one or more of the existing streetlights.
3. **Public Administration** –
 - a. Request NCSD to establish a zone of benefit within Lighting District No. 1 which would include assessing just those Tract 1747 properties for the cost of ongoing operation and maintenance in accordance with Government Code §53753 (Proposition 218).
 - b. Annex Tract 1747 into the County's Nipomo Lighting District and establish an assessment district to assess the properties for the cost of ongoing operation and maintenance in accordance with Streets & Highway Code §22500 and Government Code §53753.

After the community meeting a questionnaire was sent to all property owners within Tract 1747 to gauge the level of support to form an assessment district to have a public agency operate and maintain the streetlights. The response to this preliminary poll is presented in Table 1.

Table 1: Summary of Preliminary Poll Results

Results:	Totals	%
Total Lots (excludes Open Space #109):	151	
Number of ballots received:	66	43.7% of total lots
Number of ballots returned as undeliverable:	11	7.3% of total lots
Number of no response:	74	49.0% of total lots

THE BELOW SUMMARY IS BASED ON TOTAL RESPONSES RECEIVED

Would you support an assessment for street lights:

"Yes" votes:	54	81.8% of total responders
"No" votes:	12	18.2% of total responders

Which agency should maintain the street lights?

NCSD:	40	60.6% of total responders
County of San Luis Obispo:	19	28.8% of total responders
No preference:	7	10.6% of total responders

Responses by street:

	"Yes"	"No"	% support
Ash St	12	3	80.0%
Avocado Ct	9	0	100.0%
Chestnut St	8	2	80.0%
Cornuta Wy	2	1	66.7%
Dahlia St	3	2	60.0%
Leaf St	7	2	77.8%
N. Beachnut Ave	6	0	100.0%
N. Cedarwood Ave	6	0	100.0%
Nandina Ln	1	2	33.3%
Totals:	54	12	81.8%